IN THE HIGH COURT OF UTTARANCHAL AT NAINITAL

Civil Writ Petition No. 400 of 2005

1. Virendra Kumar Chauhan son of Sri Hamel Singh, Presently posted as Steno attached with Upper Sachiv Finance Government of Uttaranchal, Dehradun.
2. Sri Vimlesh Kumar Sharma, S/o Sri Ram Chandra Sharma, Resident of Awas Vikas Colonly Renipur Mor Haridwar, presently posted as Steno in the office of Deputy Commissioner (Assessment) Circle at Rishikesh, District Dehradun.

-----Petitioners.

Versus

1. State of Uttaranchal through Secretary Finance and Trade Tax Department
2. Joint Commissioner Trade Tax, Head Quarter Dehradun.
3. Commissioner of Trade Tax Dehradun Uttaranchal.

---Respondents

Sri Arvind Vashist, Advocate, learned counsel for the Petitioenr
Learned Standing Counsel for the respondents.

Dated: April 13, 2005
PC:
(Hon'ble B.S. Verma, J.)

By means of this writ petition, the petitioners seeks a writ, order of direction in the nature of mandamus commanding the respondents to decide the objection/representations of the petitioners (Annexure Nos. 5 and 6 to the writ petition) in order to determine their seniority for purposes of promotion from the initiate date of their appointment as clerk.

The petitioners have alleged that they have been working on the post of Stenographers. Petitioner No. 1 is attached to the Additional Secretary, Finance, Government of Uttaranchal and petitioner no.2 has been working with the Deputy Commissioner of Trade Tax at Rishikesh, Dehradun. According to them, they were initially appointed against substantive vacancies as clerk on 5.2.0973

and 26.8.1972 respectively. Subsequently, under the order dated 12.777.1977 passed by Deputy Commissioner as well as vide order dated 21.12.1979 passed by the Assistant Commissioner, the petitioners were appointed and posted against substantive vacancy of Stenographers. The petitioners are accordingly working since 5.2.1973 and 26.8.1972 respectively continuously without any break and there has been no complaint against them. According to them, Sarvsri R.P.Agnihotri, Harish Chandra Pande, K.N.Raturi, D.B.Gaurh and Shokh Lal Singh have already been promoted as Clerk from the date of their initial appointment was ignored. A tentative separate seniority list of stenographers was issued wherein petitioner no.1 and petitioner no.2 have their seniority at place 12 and 17 respectively, against which the petitioners have filed their objections (Annexure Nos. 5 and 6 respectively to the writ petition), but the same have not been decided by the authority concerned and the claim of the petitioners and promotion is being affected adversely. Hence the petitioners have come up before this Court.

In the course of arguments, the learned counsel for the petitioners submitted that a direction may be issued to the respondent No. 3-The Trade Tax Commissioner to decide the representations (Annexure Nos. 5 and 6) within a time bound period. The prayer is innocuous.

Accordingly, the respondent no.3 is directed to decide the representations made by the petitioners claiming their seniority vide Annexure Nos. 5 and 6 respectively within a period of two weeks from the date of receipt of certified copy of this order. With these observations, the writ petition is disposed of finally.

(B.S. Verma, J.)

RCP